

U.S. Patent Application No. 09/896,886  
Amendment After Final dated October 17, 2006  
Reply to Final Office Action of April 21, 2006

### **REMARKS**

Reconsideration and continued examination of the above-identified application are respectfully requested.

In the amendment, claims 75-82 and 115-118 have been canceled. The claims now pending are the claims indicated as being allowed by the Examiner in the final Office Action, namely claims 56-73, 83-86, and 111-113. Further, it is respectfully noted that claim 114 was not addressed as a claim that was allowed or rejected, but it is noted that claim 114 is dependent on claim 65, which has been allowed and, therefore, claim 114 should be allowed as well. In view of this amendment, the pending claims are all indicated as being allowed. Therefore, since this amendment places the application in condition for allowance and does not raise any new questions of patentability or necessitates any further searching, entry of this amendment is respectfully requested.

### **Rejection of claims 75 - 82 and 115 - 118 under 35 U.S.C. § 112, second paragraph**

At page 2 of the Office Action, the Examiner rejected claims 75 - 82 and 115 - 118 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. In particular, the Examiner alleged that the phrase "not substantially extractable by an organic solvent" renders the claim indefinite, on the alleged grounds that it is not clear which organic solvents or the conditions under which the polymer is not extractable. For the following reasons, this rejection is respectfully traversed.

In view of the finality of this Office Action and in an effort to advance the prosecution of this application, these claims have been canceled. The applicants will most likely pursue the

U.S. Patent Application No. 09/896,886  
Amendment After Final dated October 17, 2006  
Reply to Final Office Action of April 21, 2006

subject matter of these claims in a continuation application. For these reasons, this rejection should be withdrawn.

**Rejection of claims 75 - 76, 79 - 82, 115 and 118 under 35 U.S.C. § 102(b) over Senga et al.**

At page 2 of the Office Action, claims 75 - 76, 79 - 82, 115 and 118 were rejected under 35 U.S.C. § 102(b) as anticipated by Senga et al. (U.S. Patent No. 4,873,166). The Examiner alleged that Senga et al. discloses a printing plate made by taking an aluminum plate that has been subjected to a hydrophilizing treatment, coating the plate with an e-type copper phthalocyanine dispersed in an acrylic resin and drying the plate. The Examiner alleges that the particles would inherently be at least partially coated with the acrylic resin. The Examiner further alleges that the dried coating on the plate would inherently be able to absorb radiation and would therefore be a radiation absorptive layer. The Examiner further takes the position that the polymeric coating is not substantially extractable by an organic solvent, based on the Examiner's interpretation that the limitation is met if there is at least one organic solvent that the acrylic resin of Senga et al. is not soluble in and if extraction conditions could be selected that would not substantially extract the dried acrylic resin of Senga et al. For the following reasons, this rejection is respectfully traversed.

Independent claim 75 relates to a printing plate comprising a substrate and a radiation-absorptive layer, wherein the radiation-absorptive layer comprises at least one modified pigment product comprising a pigment that is at least partially coated with one or more polymeric coatings of an acrylic or styrenic polymer and wherein the polymeric coating is not substantially extractable by an organic solvent.

Senga et al., on the other hand, merely describes a plate that has a copper phthalocyanine

U.S. Patent Application No. 09/896,886  
Amendment After Final dated October 17, 2006  
Reply to Final Office Action of April 21, 2006

pigment dispersed in an acrylic resin, with the dispersion being dried onto a plate. Even taking into account the Examiner's allegation that the particles of Senga et al. would inherently be at least partially coated with the acrylic resin, there is no teaching or suggestion in Senga et al. of a coating on the particles that is not substantially extractable by an organic solvent.

These claims have been canceled by way of this amendment to advance the prosecution of this application. The applicants most like will pursue this subject matter in a separation continuation application. Accordingly, for these reasons, this rejection should be withdrawn.

**Rejection of claims 75 - 76, 79 - 80, 115 and 118 under 35 U.S.C. § 102(a) or (e) over Kato et al.**

At page 3 of the Office Action, claims 75 - 76, 79 - 80, 115 and 118 were rejected under 35 U.S.C. § 102(a) or (e) as anticipated by Kato et al. (U.S. Patent No. 6,080,449). The Examiner alleged that Kato et al. discloses a printing plate formed from coating the plate with a base having an acrylic/styrene polymer coating over a zinc oxide. The Examiner alleges that the particles would inherently be at least partially coated with the polymer. The Examiner further alleges that the dried coating on the plate would inherently be able to absorb radiation and would therefore be a radiation absorptive layer. The Examiner further takes the position that the polymeric coating is not substantially extractable by an organic solvent, based on the Examiner's interpretation that the limitation is met if there is at least one organic solvent that the polymer of Kato et al. is not soluble in and that extraction conditions could be selected that would not substantially extract the polymer of Kato et al. For the following reasons, this rejection is respectfully traversed.

U.S. Patent Application No. 09/896,886  
Amendment After Final dated October 17, 2006  
Reply to Final Office Action of April 21, 2006

As discussed above, independent claim 75 relates to a printing plate comprising a substrate and a radiation-absorptive layer, wherein the radiation-absorptive layer comprises at least one modified pigment product comprising a pigment that is at least partially coated with one or more polymeric coatings of an acrylic or styrenic polymer and wherein the polymeric coating is not substantially extractable by an organic solvent.

Kato et al., on the other hand, merely describes a plate that has zinc oxide pigment dispersed with a resin, with the mixture forming a coating for an image receiving layer. Even taking into account the Examiner's allegation that the particles of Kato et al. would inherently be at least partially coated with the resin, there is no teaching or suggestion in Kato et al. of a coating on the particles that is not substantially extractable by an organic solvent.

These claims have been canceled by way of this amendment to advance the prosecution of this application. The applicants most like will pursue this subject matter in a separation continuation application. Accordingly, for these reasons, this rejection should be withdrawn.

**Rejection of claims 75 - 76, 79 - 82, 115 - 118 under 35 U.S.C. § 102(b) over Shimizu et al.**

At page 4 of the Office Action, claims 75 - 76, 79 - 82, and 115 - 118 were rejected under 35 U.S.C. § 102(b) as anticipated by Shimizu et al. (U.S. Patent No. 6,218,073 B1). The Examiner alleged that Shimizu et al. discloses plates wherein the acrylate resin-grafted carbon black is a carbon black pigment coated with acrylic resin that is also attached by graft in a layer along with the acrylic polymer particles. For the following reasons, this rejection is respectfully traversed.

As discussed above, independent claim 75 relates to a printing plate comprising a

U.S. Patent Application No. 09/896,886  
Amendment After Final dated October 17, 2006  
Reply to Final Office Action of April 21, 2006

substrate and a radiation-absorptive layer, wherein the radiation-absorptive layer comprises at least one modified pigment product comprising a pigment that is at least partially coated with one or more polymeric coatings of an acrylic or styrenic polymer and wherein the polymeric coating is not substantially extractable by an organic solvent.

Shimizu et al., on the other hand, describes acrylic resin-grafted carbon black. A resin-grafted particle is a particle in which functional groups on the surface of the particle attach to end groups of polymers, which extend from the particle. Clearly, this creates a different morphology from a particle that is coated with a polymer. Therefore, there is no basis for the allegation by the Examiner that limitation of a pigment coated with an polymeric coating is met by the description of an acrylate resin-grafted carbon black.

These claims have been canceled by way of this amendment to advance the prosecution of this application. The applicants most like will pursue this subject matter in a separation continuation application. Accordingly, for these reasons, this rejection should be withdrawn.

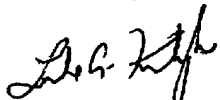
#### **CONCLUSION**

In view of the foregoing remarks, the applicants respectfully request the reconsideration of this application and the timely allowance of the pending claims.

If there are any other fees due in connection with the filing of this response, please charge the fees to Deposit Account No. 03-0060. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

U.S. Patent Application No. 09/896,886  
Amendment After Final dated October 17, 2006  
Reply to Final Office Action of April 21, 2006

Respectfully submitted,



Luke A. Kilyk  
Reg. No. 33,251

Atty. Docket No. 00066CON (3600-448)  
KILYK & BOWERSOX, P.L.L.C.  
400 Holiday Court, Suite 102  
Warrenton, VA 20186  
Tel.: (540) 428-1701  
Fax: (540) 428-1720